

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

UNITED SPECIALTY  
INSURANCE COMPANY,

Plaintiff,

v.

Case No. 3:18-cv-1465-TJC-JBT

TZADIK ACQUISITIONS, LLC,  
TZADIK MANAGEMENT GROUP,  
LLC, TZADIK MANAGEMENT  
GROUP 2, LLC, TZADIK  
PROPERTIES, LLC, JAMES  
RIVER INSURANCE COMPANY,  
WILLA KIMBLE, As Personal  
Representative of the Estate of  
Alfred Lance, III, and COMMERCE  
AND INDUSTRY INSURANCE  
COMPANY,

Defendants.

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**ORDER**

This case is before the Court on Plaintiff United Specialty Insurance Company's Motion for Costs (Doc. 96) and Bill of Costs (Doc. 97). United Specialty filed the motion on October 1, 2020, following the Court's Order granting summary judgment (Doc. 94) and Final Declaratory Judgment (Doc. 95) in its favor. Defendants appealed the Court's decision to the Eleventh Circuit on October 14, 2020. (Doc. 98). Shortly thereafter, Defendants filed a Motion to Stay Resolution of United Specialty Insurance Company's Motion for

Costs and Proposed Bill of Costs. (Doc. 100). Defendants requested that the Court stay resolution of the motion for costs and grant Defendants fourteen days to respond to the motion for costs once the appeal was decided. Id. at 6. United Specialty responded in opposition. (Doc. 103). The Court did not take action in the case while the appeal was pending.

The Eleventh Circuit affirmed the Court's decision on June 7, 2021. (Doc. 105). United Specialty then filed a Notice Regarding Appellate Opinion Affirming Final Judgment and Fee Motion Which Remains Pending in this Court (Doc. 106), advising the Court that the motion for costs remained pending. On July 7, 2021, the Eleventh Circuit issued as mandate its judgment affirming the Court's Order. (Doc. 107). The Court then terminated Defendants' motion to stay and informed Defendants that they must respond to United Specialty's motion for costs no later than July 30, 2021, or the motion would be treated as unopposed. (Doc. 108). Defendants have not filed a response, and the deadline has passed. Thus, the Court treats the motion as unopposed.

United Specialty seeks to recover certain costs as the prevailing party in this case. Federal Rule of Civil Procedure 54(d)(1) provides that "[u]nless a federal statute, these rules, or a court order provides otherwise, costs—other than attorney's fees—should be allowed to the prevailing party." The decision to award costs is within the Court's discretion. Marx v. Gen. Rev. Corp., 568 U.S. 371, 377 (2013). Allowable costs are those enumerated in 28 U.S.C. § 1920.

See Maris Distrib. Co. v. Anheuser-Busch, Inc., 302 F.3d 1207, 1225 (11th Cir. 2002).

United Specialty seeks \$7,433.22 in costs, broken out as follows: \$400 for its filing fee, \$4,320.70 for deposition transcript costs, \$500 for service of summons and subpoenas, \$1,869.47 in witness fees, and \$343.05 for photocopies, in addition to post-judgment interest. (Doc. 96). In support of these costs, United Specialty has submitted a Bill of Costs (Doc. 96-1), an itemized list of charges and invoices (Doc. 96-2), the Fiscal Year 2020 Per Diem Rates for Miami, Florida from the United States General Services Administration (GSA) (Doc. 96-3), and an Affidavit Regarding Copying Costs (Doc. 96-4). These costs are allowable under 28 U.S.C. § 1920, and United Specialty has already reduced fees where they exceed the amount permitted by the per diem allowance as prescribed by GSA. See 28 U.S.C. § 1821(c)(1) & (d)(1)–(2).

Accordingly, it is hereby

**ORDERED:**

Plaintiff United Specialty Insurance Company's Motion for Costs (Doc. 96) is **GRANTED**. The Clerk shall enter a costs judgment in favor of Plaintiff United Specialty Insurance Company and against Defendants Tzadik Acquisitions, LLC, Tzadik Management Group, LLC, Tzadik Management Group 2, LLC, and Tzadik Properties, LLC, in the amount of \$7,433.22. Post-

judgment interest will accrue at the statutory rate set forth in 28 U.S.C. § 1961.

This case remains closed.

**DONE AND ORDERED** in Jacksonville, Florida the 18th day of August,  
2021.



*Timothy J. Corrigan*

TIMOTHY J. CORRIGAN  
United States District Judge

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Copies:

Counsel of record